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Attorney for Plaintiff EVERFLOW
TECHNOLOGY CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EVERFLOW TECHNOLOGY
CORPORATION, incorporated under the
laws of the Republic of China (Taiwan),

Plaintiff,

vs.

MILLENIUUM ELECTRONICS, INC., a
California corporation,

Defendant.

Case No.: 07-CV-05795-JF (HRLx)

**JOINT REPORT ON EARLY MEETING
OF COUNSEL PURSUANT TO RULE
26(a).**

Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on January 24, 2008 by
telephone and was attended by: Mark Fang, Esq., and William G. Short, Esq., for plaintiff
Everflow Technology Corp., and Mark R. Figueiredo, Esq., and Jonathan H. Van Ee, Esq.,
for defendant Millennium Electronics, Inc.

1 **1. Pre-Discovery Disclosures**

2 The parties will exchange by February 13, 2008 the information required by Fed. R.
3 Civ. P. 26(a)(1) and Local Rule 16.
4

5 **2. Discovery Plan**

6 The parties jointly propose to the court the following discovery plan:
7

8 A. There is no need to conduct discovery in phases.

9 B. Discovery will be conducted on all the issues in the cases, including the
10 allegations set out in Defendants' affirmative defenses.

11 C. A maximum of 100 interrogatories by each party.

12 D. A maximum of 100 requests for admissions by each party.

13 E. A maximum of 5 depositions by Plaintiff and 5 depositions by Defendant.

14 F. Reports from retained experts under Fed. R. Civ. P. Rule 26 (a)(2) are due not
15 less than 50 days before trial.
16

17 G. Counsel agree to further discuss informally the manner in which their respective
18 clients electronically store information. Disclosure or discovery of electronically-
19 stored information should be produced in the form normally kept in the ordinary
20 course of business and accessible if reasonably possible through standard
21 means unless otherwise agreed upon.
22

23 H. Discovery may include information properly subject to a protective order, at a
24 time to be determined by the parties as necessary. At such time, a protective
25 order will be drafted by the party requesting the protective order and agreed upon
26 by both parties, and filed as an Order of the Court.
27
28

1 **3. Scheduling**

2 The parties suggest the following deadlines and dates:

3 A. Completion of non-expert discovery by August 1, 2008.

4 B. A deadline of September 1, 2008 to file motions.

5 C. A pre-trial conference on September 15, 2008.

6 D. The case should be ready for trial by jury by October 1, 2008 and the trial is
7 expected to take 4 days.
8

9
10 **4. Complex Case**

11 This case should not be designated as a complex case. The manual for complex
12 litigation need not be utilized.
13

14
15 **5. ADR Process**

16 Parties request a settlement conference in front of the Magistrate.
17

18
19 *//////*

20
21 *//////*

22
23 *//////*


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25 *//////*
26
27
28

1 **6. Settlement**

2 The parties have had preliminary settlement discussions.

3
4 Dated: ^{Feb. 7} January __, 2008

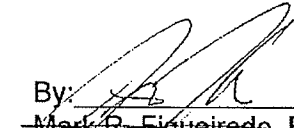
MARK FANG ATTORNEY AT LAW, APC

6
7 By: 
8 Mark Fang, Esq.,
9 Attorney for Plaintiff

EVERFLOW TECHNOLOGY CORPORATION

10
11
12 Dated: ^{February 5} ~~January~~ __, 2008

THE STRUCTURE LAW GROUP, LLP

14
15 By: 
16 Mark R. Figueiredo, Esq.,
17 ~~Jonathan H. Van Lee~~
18 Attorney for Defendant

MILLENIUM ELECTRONICS, INC.,

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I, the undersigned, declare that I am a resident of the County of Ventura, State of California; I am over the age of 18 years and not a party to the within action; my business address is 215 E. Daily Drive, Suite 9, Camarillo, California 93010.

On **February 7, 2008**, I served the following document, **JOINT REPORT ON EARLY MEETING OF COUNSEL PURSUANT TO RULE 26(a)**, of which the original document, or a true and correct copy, is attached, by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such address respectively as follows:

Mark R. Figueiredo, Esq.
Jonathan H. Van Ee, Esq.
STRUCTURE LAW GROUP, LLP
1754 Technology Dr, Suite 135
San Jose, CA 95110
(408) 441-7500
(408)228-8787
mrf@structurelaw.com
jve@structurelaw.com

☒ **(BY MAIL)** I deposited such envelope in the mail at Camarillo, California. The envelope was mailed with postage thereon fully prepaid. Executed on **February 7, 2008**.

☐ **(BY FACSIMILE)** In addition to regular mail, I sent this documents via facsimile to the above listed numbers.

☐ **(BY PERSONAL SERVICE)** Such envelope was delivered by HAND DELIVERY to the office of the addressee. Executed on _____.

☐ **(VIA CERTIFIED MAIL, RETURN RECEIPT)** Such envelope was delivered via certified mail, return receipt to all addressees listed on attached mailing list. Executed _____.

☐ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare that I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

February 7, 2008, at Camarillo, California.

Sarah McEachern
(Print Name)

(Signature)